

City Attorney

Department Description

In the words of the Columbus City Charter, the City Attorney is "...the legal adviser of and attorney and counsel for the city, and for all officers and departments thereof in matters relating to their official duties."

The City Attorney has many duties including prosecuting or defending all suits for and in behalf of the city, prosecuting criminal misdemeanor offenses in the Franklin County Municipal Court, reviewing legislation being considered by City Council, collecting debts owed to the city, acquiring easements and property needed by the city and, when requested in writing by the Mayor or Council or a department head, rendering opinions upon any question of law involving the powers or duties of the requester.

The City Attorney's Office is staffed with 125 full-time employees (58 of whom are attorneys) and 40 part-time employees. While most of the employees are paid out of the general fund, 2 are 100 percent funded from grants, 12 are partially funded from grants, 3 are 100 percent funded from the land acquisition fund, 12 are partially funded from the land acquisition fund and 1 employee is 100 percent funded from collected bad check fees.

The office is divided into various organizational units to accomplish the many duties that the City Attorney must perform. These units are the Civil Division (which incorporates the Business and Regulations Section, the Litigation Section, and the Labor and Employment Section); the Claims Division; the Prosecutor Division (which incorporates the Domestic Violence and Stalking Unit, the Environmental Unit, the Intake Unit, the Criminal Appellate Unit, Telecommunications Harassment Unit, Night Prosecutor Mediation Program, the Check Resolution Program, the Neighborhood Legal Advocates Program and the Student Mediation and Assistance to Reduce Truancy Program); the Real Estate Division and the Police Legal Advisor.

Department Mission

To carry out the duties and responsibilities as prescribed by the Columbus City Charter and the Columbus City Codes.

To carry out those duties and responsibilities in a professional and competent manner so that the office's clients and the public are well and fairly served.

Department Goals and Objectives

To handle every matter so that at its conclusion the result will be just and fair both to the City of Columbus and to the other parties involved.

Strategic Priorities for 2006

- Continue to deliver quality legal services.
- Promote a partnership with community groups so that the resources of the office can be brought to bear early and effectively in solving neighborhood problems.

Prosecution Division

Outcome: All cases are efficiently and effectively prosecuted.

Each prosecutor in the City Attorney's Office prosecutes between 45-50 criminal matters daily with case totals consistently reaching as high as 70 in some courtrooms. To continue to effectively prosecute these cases, our goal is to maintain experienced and quality prosecutors. We are hoping to accomplish this by evaluating performance in a manner that allows for salary restructuring for prosecutors who have been in the office for significant years and have performed well. This will hopefully help avoid excessive turnover with prosecutors and maintain more continuity. The goal of the City Attorney is to continue the successful prosecution of misdemeanor offenses within Franklin County.

Domestic Violence Unit

Outcome: Advocacy services are provided to each domestic violence and stalking victim in compliance with the Victims' Rights Act.

In 2004, 5,515 cases of domestic violence, stalking and violation of protection order cases were filed in Municipal Court. In addition, the Stalking Unit investigated 434 allegations of stalking behavior. The Domestic Violence Unit of the City Attorney's Office works with victims, prosecutors, and judges. They provide victims with legislatively mandated resources and assistance at court appearances, provide valuable criminal background information to the court for bond purposes, and link families in crisis to available community resources. This work is vital for our courts and our community to address the issue of domestic violence and stalking.

Telecommunications Harassment Unit

Outcome: Specialized personnel investigate and assist in prosecuting misdemeanor crimes of harassment, stalking, and identity theft, which occur through computers, telephones and other telecommunication devices.

Since it began operating in November of 2001, the Telecommunications Unit has processed over 4,400 cases resulting in 21 felony and 391 misdemeanor charges with over 40 cases currently under investigation. Furthermore, victim consultation has risen by 500 percent. In addition to these services, existing personnel are trained to specialize in assisting citizens who are victims of fraud and identity theft. In 2004, City Attorney employees were able to resolve 1,783 cases.

Environmental Unit

Outcome: Neighborhoods are cleaner and safer.

The Environmental Unit will continue to have an attorney stationed on a weekly basis at code enforcement to work directly with code enforcement to achieve voluntary compliance on code issues and decrease unnecessary court filings. In 2004, 50 percent of complaints through the efforts of the City Attorney's Office were resolved without the need of court filings. All of the Environmental Unit continues to work together on the 17th floor of the Municipal Court building including the Neighborhood Legal Advocates Program. The Neighborhood Legal Advocates Program is aggressively working with the communities of the Hilltop, Franklinton and the Southside of Columbus. The program is actively targeting problem properties on Innis Avenue on the Southside and is working to more aggressively place problem properties into the hands of responsible owners.

Intake Unit

Outcome: To continue to provide efficient service to citizens on a timely basis.

In 2004, the intake unit processed 8,033 complaints. The unit continues to search for ways to provide service without requiring a formal complaint. Complaint forms are also now provided on the internet. The unit strives to be more efficient by making referrals at the intake window and by asking questions prior to the intake process. To be efficient at this requires two well-trained knowledgeable intake officers to always be posted at the intake window during peak hours of operation. The unit is fully authorized to maintain a staff of 20 part-time positions. A total of 1,997 charges were filed out of the unit for 2004. Those complaints not filed upon were often referred for mediation, civil protection orders, or to other resources that could assist citizens with their issues.

Civil and Real Estate Divisions

Outcome: With fewer attorneys and staff we continue to provide high quality legal representation for the city, prevail in court actions, and pay less money for lawsuits.

Litigation Section

In 2004, the city closed a total of 60 litigation matters. The section's attorneys prevailed in two out of three cases taken to trial, settled 19 cases, and had 29 of 38 cases dismissed in the city's favor through motions and pleadings.

Business and Regulations Section

With eight attorneys including the Chief Counsel, the Business and Regulations Section is being called upon to assist city officials and departments in an ever broadening spectrum of legal issues from compliance with numerous federal and state environmental laws and regulations, economic development of downtown, expanding contract document, and legislation drafting and review to litigation related to all the above.

In 2006, priorities will focus upon legal representation in the Short North arches lighting project, environmental upgrades of the city's water and wastewater treatment systems, transactional activities related to the River South, Big Darby and Rickenbacker intermodal multi-jurisdiction developments, as well as continued enforcement activities in liquor control, licensing, permitting, and zoning controls.

Labor and Employment Section

Three attorneys are currently responsible for 114 employment cases including federal and state court cases, labor arbitrations, and administrative hearings. At the beginning of 2004, Labor Section attorneys were handling 88 cases. Over the course of the year, 91 new employment-related lawsuits and/or administrative charges were filed against the City of Columbus and/or its employees. During 2004, the Labor Section resolved 62 cases.

In addition to defending the city in litigation matters, the Labor Section provided frequent legal advice to city officials on labor and employment matters. Labor attorneys assisted the city in labor negotiations with the International Association of Fire Fighters (IAFF) and the Ohio Labor Council (OLC) and in mediating grievances with the American Federation of State, County and Municipal Employees (AFSCME) and the Columbus Municipal Association of Government Employees (CMAGE). The Labor Section also provided training. Labor attorneys participated in city training on the Family and Medical Leave Act (FMLA) and spoke at the Citywide Human Resources Conference and the Ohio Municipal Attorneys Association Conference.

Police Legal Bureau

This unit provides advice to police personnel to assist in the critical decisions that police officers face in the course of doing their jobs. Attorneys receive several daily requests for legal opinions from officers, detectives and various supervisors. These opinions sometimes involve questions that need only a short verbal opinion, while sometimes the questions require in-depth legal research and lengthy legal memorandums. The attorneys also provide training on a range of topical issues facing police officers, such as crowd control, executing search warrants, search and seizure issues in general, probable cause and use of force. The attorney's also prepare a newsletter providing sworn personnel with updates on legal issues. These updates are done on at least a monthly basis and whenever a new legal issue emerges that must be immediately addressed.

Asset Recovery Section

Outcome: City revenues are increased through the Asset Recovery Section while expanding their efforts into recovery of delinquent business loans and emergency medical technician (EMT) transport fees.

This section handles all collection matters for the city. In 2004, the City Attorney collected \$1.4 million in delinquent income taxes owed to the city. Additionally, the section recovered \$83,161 in outstanding non-tax debt owed to the city and collected over \$244,000 in foreclosure and bankruptcy actions. The focus of our efforts this fiscal year will be to computerize our non-tax and claims case-management systems, increase the number of foreclosure suits, and better assist our clients with proper documentation of debts, so that collection efforts at both the division level and within our office will be more successful.

Real Estate

Outcome: To complete all projects under budget and on time.

This division acquires property rights for city projects such as the widening and improvement of city streets. In 2004, the division acquired 634 parcels of land and provided legal advice on all real estate matters including the sale and leasing of property and real estate tax issues.

2006 Budget Issues

- In the 2006 budget, costs for both outside counsel and legal settlements are budgeted in Finance's citywide account.

Budget and Program Summary

DEPARTMENT FINANCIAL SUMMARY					
DIVISION SUMMARY	2003 Actual	2004 Actual	2005 Original Appropriation	2005 Estimated Expenditures	2006 Proposed
City Attorney	\$ 9,265,707	\$ 8,989,836	\$ 9,589,966	\$ 9,234,537	\$ 10,048,076
Real Estate	381,699	331,647	342,368	341,521	369,827
Land Acquisition	650,747	686,890	782,895	730,625	792,424
Special Litigation	295,451	-	-	-	-
TOTAL	\$ 10,593,604	\$ 10,008,373	\$ 10,715,229	\$ 10,306,683	\$ 11,210,327

DIVISION SUMMARY BY CHARACTER					
CITY ATTORNEY GENERAL FUND EXPENDITURES SUMMARY	2003 Actual	2004 Actual	2005 Original Appropriation	2005 Estimated Expenditures	2006 Proposed
Personnel	\$ 8,205,889	\$ 8,020,806	\$ 8,844,727	\$ 8,400,311	\$ 9,398,760
Materials & Supplies	82,918	163,099	152,873	151,592	124,750
Services	976,900	611,278	592,366	578,183	524,566
Other Disbursements	-	-	-	-	-
Capital	-	-	-	-	-
Transfers	-	194,653	-	104,451	-
TOTAL	\$ 9,265,707	\$ 8,989,836	\$ 9,589,966	\$ 9,234,537	\$ 10,048,076
REAL ESTATE GENERAL FUND EXPENDITURES SUMMARY	2003 Actual	2004 Actual	2005 Original Appropriation	2005 Estimated Expenditures	2006 Proposed
Personnel	\$ 360,077	\$ 323,205	\$ 328,129	\$ 323,862	\$ 351,908
Materials & Supplies	7,082	4,891	5,373	2,515	17,919
Services	14,540	3,551	8,866	15,144	-
TOTAL	\$ 381,699	\$ 331,647	\$ 342,368	\$ 341,521	\$ 369,827

DIVISION SUMMARY BY CHARACTER					
LAND ACQUISITION LAND ACQUISITION FUND EXPENDITURES SUMMARY	2003 Actual	2004 Actual	2005 Original Appropriation	2005 Estimated Expenditures	2006 Proposed
Personnel	\$ 579,897	\$ 621,108	\$ 694,484	\$ 654,486	\$ 707,515
Materials & Supplies	17,562	596	9,978	9,652	10,150
Services	43,760	65,186	78,433	66,487	74,759
Capital	9,528	-	-	-	-
Transfers	-	-	-	-	-
TOTAL	\$ 650,747	\$ 686,890	\$ 782,895	\$ 730,625	\$ 792,424
SPECIAL LITIGATION GENERAL FUND EXPENDITURES SUMMARY	2003 Actual	2004 Actual	2005 Original Appropriation	2005 Estimated Expenditures	2006 Proposed
Personnel	\$ 295,451	\$ -			\$ -
Materials & Supplies	-	-			-
Services	-	-			-
TOTAL	\$ 295,451	\$ -	\$ -	\$ -	\$ -

DEPARTMENT SUMMARY BY FUND					
FUND SUMMARY	2003 Actual	2004 Actual	2005 Original Appropriation	2005 Estimated Expenditures	2006 Proposed
General	\$ 9,942,857	\$ 9,321,483	\$ 9,932,334	\$ 9,576,058	\$ 10,417,903
Land Acquisition	650,747	686,890	782,895	730,625	792,424
TOTAL	\$ 10,593,604	\$ 10,008,373	\$ 10,715,229	\$ 10,306,683	\$ 11,210,327

DEPARTMENT PERSONNEL SUMMARY					
DIVISION	FT/PT*	2003 Actual	2004 Actual	2005 Authorized	2006 Authorized
City Attorney	FT	102	112	119	119
	PT	46	46	46	46
Real Estate	FT	7	7	7	7
Land Acquisition	FT	4	4	7	7
	PT	0	1	1	1
Special Litigation	FT	0	0	0	0
TOTAL		159	170	180	180
*FT=Full-Time PT=Part-Time					

City Attorney				
Program:	Administration		2005 Appropriated	2006 Budget
Program Mission:	To provides management and support through the offices of the City Attorney.	Expenditures	\$ 1,520,143	\$ 1,137,633
		Full-Time	8	7
		Part-Time	1	2
Program:	Civil Prosecution			
Program Mission:	To provide support personnel to assist attorneys in the civil division by preparing legal documents, maintaining the case database, scheduling depositions and appointments and other duties that maintain the organized flow of legal documents.	Expenditures	\$ 274,067	\$ 290,467
		Full-Time	5	5
		Part-Time	0	0
Program:	Civil Part-Time			
Program Mission:	To provide law student interns who perform legal research for the attorneys in the civil division.	Expenditures	\$ 132,827	\$ 103,758
		Full-Time	0	0
		Part-Time	6	4
Program:	Appellate			
Program Mission:	To appeal misdemeanor prosecutions to the Franklin County Court of Appeals, and defend misdemeanor criminal appeals filed against the city.	Expenditures	\$ 266,961	\$ 362,336
		Full-Time	2	2
		Part-Time	6	8

City Attorney - continued				
Program:	Intake		2005 Appropriated	2006 Budget
Program Mission:	To assist citizens requesting the filing of criminal misdemeanor complaints by assisting, advising and making appropriate referrals.	Expenditures	\$ 597,374	\$ 614,193
		Full-Time	2	2
		Part-Time	23	21
Program:	Victim-Witness Assistance			
Program Mission:	To prosecute domestic violence offenders and assist victims by providing them with immediate resources, and to educate and train all city and county law enforcement officers on the issue of domestic violence.	Expenditures	\$ 783,023	\$ 983,407
		Full-Time	10	15
		Part-Time	0	0
Program:	Business			
Program Mission:	To assist in the legal review and implementation of vital city development projects, give legal assistance to city officials with respect to city services, legislation, contracts, zoning, and relations with the suburbs, to assist city agencies in complying with state and federal environmental laws, and to take legal action against industrial facilities that fail to comply with water pollution laws and other environmental requirements.	Expenditures	\$ 822,520	\$ 927,969
		Full-Time	8	9
		Part-Time	0	0

City Attorney - continued				
Program:	Litigation		2005 Appropriated	2006 Budget
Program Mission:	To defend the city and its employees in contract disputes, claims for personal injury or property damage, constitutional violations, wrongful death, tax disputes, and claims requesting money damages; as well as provide legal education, training, advice, and counsel.	Expenditures	\$ 671,076	\$ 719,439
		Full-Time	6	6
		Part-Time	0	0
Program:	Labor			
Program Mission:	To handle all labor and employment-related litigation, render legal advice to city officials on labor and employment matters, defend the city in employment litigation filed in federal and state courts, and counsel various city departments on day-to-day personnel matters.	Expenditures	\$ 562,772	\$ 564,570
		Full-Time	5	5
		Part-Time	0	0
Program:	Police Legal Bureau			
Program Mission:	To advise the Division of Police on legal and policy matters, serve as liaison for civil and criminal litigation involving police, and provide training on legal topics associated law enforcement.	Expenditures	\$ 270,008	\$ 323,668
		Full-Time	3	4
		Part-Time	2	0

City Attorney - continued				
Program:	Claims		2005 Appropriated	2006 Budget
Program Mission:	To handle pre-litigation claims against the city as well as the collection of funds owed to the city.	Expenditures	\$ 472,521	\$ 602,767
		Full-Time	7	7
		Part-Time	0	1
Program:	Legal Assistance			
Program Mission:	To provide clerical support to the prosecutors in the Franklin County Municipal Court, send out subpoenas and ensure that all case files have necessary paperwork for each prosecutor's daily docket.	Expenditures	\$ 840,661	\$ 876,789
		Full-Time	16	15
		Part-Time	0	0
Program:	Dispute Resolution			
Program Mission:	To solve problems and conflicts outside of the judicial process through the use of trained mediators, to bring students, parents, and educators together to develop a specific plan to keep children in school, and to assist in the collection of money lost to merchants due to the passing of bad checks.	Expenditures	\$ 77,194	\$ 55,128
		Full-Time	1	1
		Part-Time	0	0
Program:	Environmental			
Program Mission:	To handle cases relating to housing, building, health and zoning code violations as well as nuisance abatement actions.	Expenditures	\$ 364,737	\$ 322,457
		Full-Time	5	5
		Part-Time	0	0

City Attorney - continued

Program:	Criminal Prosecution		2005 Appropriated	2006 Budget
Program Mission:	To provide attorneys in the prosecution of misdemeanor traffic and criminal cases including domestic violence, DUI and assault cases.	Expenditures	\$ 1,934,082	\$ 2,163,495
		Full-Time	23	26
		Part-Time	0	0

Real Estate

Program:	Real Estate Administration		2005 Appropriated	2006 Budget
Program Mission:	To provide management and support for acquisition of all real property needed by city departments and legal assistance in all real estate matters.	Expenditures	\$ 342,368	\$ 369,827
		Full-Time	4	4
		Part-Time	0	0

Program:	Land Acquisition			
Program Mission:	To provide management and support for acquisition of all real property needed by city departments and legal assistance in all real estate matters.	Expenditures	\$ 782,895	\$ 792,424
		Full-Time	7	7
		Part-Time	1	1
